

A bill for an act

relating to public safety; clarifying and recodifying certain provisions in the prostitution laws; broadening the prostitution in a public place crime; making driving records relating to prostitution offenses public for repeat offenders and ensuring that they are available to law enforcement for first-time offenders; amending Minnesota Statutes 2008, sections 609.321, subdivisions 4, 8, 9, by adding a subdivision; 609.324, subdivisions 1, 2, 3, 5, by adding subdivisions.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2008, section 609.321, subdivision 4, is amended to read:

Subd. 4. **Patron.** "Patron" means an individual who ~~hires or offers or agrees to hire another~~ engages in prostitution by agreeing to hire, offering to hire, or hiring an individual to engage in sexual penetration or sexual contact.

EFFECTIVE DATE. This section is effective August 1, 2009, and applies to crimes committed on or after that date.

Sec. 2. Minnesota Statutes 2008, section 609.321, subdivision 8, is amended to read:

Subd. 8. **Prostitute.** "Prostitute" means an individual who engages in prostitution by agreeing to be hired, offering to be hired, or being hired.

EFFECTIVE DATE. This section is effective August 1, 2009, and applies to crimes committed on or after that date.

Sec. 3. Minnesota Statutes 2008, section 609.321, subdivision 9, is amended to read:

Subd. 9. **Prostitution.** "Prostitution" means engaging ~~or~~, offering, or agreeing to engage for hire in sexual penetration or sexual contact, or hiring, offering, or agreeing to hire another to engage in sexual penetration or sexual contact.

EFFECTIVE DATE. This section is effective August 1, 2009, and applies to crimes committed on or after that date.

Sec. 4. Minnesota Statutes 2008, section 609.321, is amended by adding a subdivision to read:

Subd. 13. **Place of public accommodation.** "Place of public accommodation" means a business, accommodation, refreshment, entertainment, recreation, or transportation facility of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public.

EFFECTIVE DATE. This section is effective August 1, 2009, and applies to crimes committed on or after that date.

Sec. 5. Minnesota Statutes 2008, section 609.324, subdivision 1, is amended to read:

Subdivision 1. ~~**Engaging in, Hiring, offering to hire, or agreeing to hire minor to engage in prostitution; penalties for patrons.**~~ (a) Whoever, while acting as a patron, intentionally ~~does any of the following~~ engages in prostitution with an individual under the age of 13 years may be sentenced to imprisonment for not more than 20 years or to payment of a fine of not more than \$40,000, or both.

~~(1) engages in prostitution with an individual under the age of 13 years; or~~
~~(2) hires or offers or agrees to hire an individual under the age of 13 years to engage in sexual penetration or sexual contact.~~

(b) Whoever, while acting as a patron, intentionally ~~does any of the following~~ engages in prostitution with an individual under the age of 16 years but at least 13 years may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both.

~~(1) engages in prostitution with an individual under the age of 16 years but at least 13 years; or~~
~~(2) hires or offers or agrees to hire an individual under the age of 16 years but at least 13 years to engage in sexual penetration or sexual contact.~~

(c) Whoever, while acting as a patron, intentionally ~~does any of the following~~ engages in prostitution with an individual under the age of 18 years but at least 16 years

may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both;

~~(1) engages in prostitution with an individual under the age of 18 years but at least 16 years; or~~

~~(2) hires or offers or agrees to hire an individual under the age of 18 years but at least 16 years to engage in sexual penetration or sexual contact.~~

EFFECTIVE DATE. This section is effective August 1, 2009, and applies to crimes committed on or after that date.

Sec. 6. Minnesota Statutes 2008, section 609.324, subdivision 2, is amended to read:

Subd. 2. ~~**Solicitation or acceptance of solicitation to engage**~~ **Engaging in prostitution in public place; penalty for patrons.** Whoever ~~solicits or accepts a solicitation to engage for hire in sexual penetration or sexual contact,~~ while acting as a patron, intentionally engages in prostitution with an individual 18 years of age or above while in a public place ~~may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000 or both~~ is guilty of a gross misdemeanor. Except as otherwise provided in subdivision 4, a person who is convicted of violating this subdivision ~~while acting as a patron~~ must, at a minimum, be sentenced to pay a fine of at least \$1,500.

EFFECTIVE DATE. This section is effective August 1, 2009, and applies to crimes committed on or after that date.

Sec. 7. Minnesota Statutes 2008, section 609.324, subdivision 3, is amended to read:

Subd. 3. ~~**Engaging in, Hiring, offering to hire, or agreeing to hire adult to engage in prostitution; penalties for patrons.**~~ (a) Whoever, while acting as a patron, intentionally ~~does any of the following may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than \$1,000, or both:~~ engages in prostitution with an individual 18 years of age or above is guilty of a misdemeanor.
~~(1) engages in prostitution with an individual 18 years of age or above; or~~
~~(2) hires or offers or agrees to hire an individual 18 years of age or above to engage in sexual penetration or sexual contact.~~ Except as otherwise provided in subdivision 4, a person who is convicted of violating ~~this clause or clause (1) while acting as a patron~~ this paragraph must, at a minimum, be sentenced to pay a fine of at least \$500.

(b) Whoever, while acting as a patron, violates the provisions of this subdivision within two years of a previous ~~conviction may be sentenced to imprisonment for not~~

~~more than one year or to payment of a fine of not more than \$3,000, or both.~~ prostitution conviction for violating this section or section 609.322 is guilty of a gross misdemeanor.

Except as otherwise provided in subdivision 4, a person who is convicted of a ~~gross misdemeanor violation of this subdivision while acting as a patron,~~ violating this paragraph must, at a minimum, be sentenced as follows:

(1) to pay a fine of at least \$1,500; and

(2) to serve 20 hours of community work service.

The court may waive the mandatory community work service if it makes specific, written findings that the community work service is not feasible or appropriate under the circumstances of the case.

EFFECTIVE DATE. This section is effective August 1, 2009, and applies to crimes committed on or after that date.

Sec. 8. Minnesota Statutes 2008, section 609.324, subdivision 5, is amended to read:

Subd. 5. Use of motor vehicle to patronize prostitutes; driving record notation.

(a) When a court sentences a person convicted of violating this section while acting as a patron subdivision 1, 2, or 3, the court shall determine whether the person used a motor vehicle during the commission of the offense and whether the person has previously been convicted of violating this section or section 609.322. If the court finds that the person used a motor vehicle during the commission of the offense, it shall forward its finding along with an indication of whether the person has previously been convicted of a prostitution offense to the commissioner of public safety who shall record the finding on the person's driving record. Except as provided in paragraph (b), the finding is classified as private data on individuals, as defined in section 13.02, subdivision 12, but is accessible for law enforcement purposes.

(b) If the person has previously been convicted of a violation of this section or section 609.322, the finding is public data.

EFFECTIVE DATE. This section is effective August 1, 2009.

Sec. 9. Minnesota Statutes 2008, section 609.324, is amended by adding a subdivision to read:

Subd. 6. Engaging in prostitution with a minor; penalties for prostitutes.

(a) Whoever, while acting as a prostitute, intentionally engages in prostitution with an individual under the age of 13 years may be sentenced to imprisonment for not more than 20 years or to payment of a fine of not more than \$40,000, or both.

(b) Whoever, while acting as a prostitute, intentionally engages in prostitution with an individual under the age of 16 years but at least 13 years may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both.

(c) Whoever, while acting as a prostitute, intentionally engages in prostitution with an individual under the age of 18 years but at least 16 years may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both.

EFFECTIVE DATE. This section is effective August 1, 2009, and applies to crimes committed on or after that date.

Sec. 10. Minnesota Statutes 2008, section 609.324, is amended by adding a subdivision to read:

Subd. 7. Prostitution in public place; penalty for prostitutes. Whoever, while acting as a prostitute, intentionally engages in prostitution with an individual 18 years of age or above while in a public place is guilty of a gross misdemeanor.

EFFECTIVE DATE. This section is effective August 1, 2009, and applies to crimes committed on or after that date.

Sec. 11. Minnesota Statutes 2008, section 609.324, is amended by adding a subdivision to read:

Subd. 8. Engaging in prostitution with adult; penalties for prostitutes. (a) Whoever, while acting as a prostitute, intentionally engages in prostitution with an individual 18 years of age or above is guilty of a misdemeanor.

(b) Whoever, while acting as a prostitute, violates the provisions of this subdivision within two years of a previous conviction for violating this section or section 609.322 is guilty of a gross misdemeanor.

EFFECTIVE DATE. This section is effective August 1, 2009, and applies to crimes committed on or after that date.